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Docket No: 33590-00
File No: 20594

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
William Kitchen et. al. :
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 :
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Serial No. 09/034,561 : Group Art Unit: 2761
 :
 :
Filed: March 3, 1998: : Examiner:
 : Unassigned
For: ELECTRONIC BILL PROCESSING

PETITION UNDER 37 CFR 47(a)

Honorable Assistant Commissioner
of Patents
Washington, D. C. 20231

Sir:

This Petition is filed concurrently with a response to the Notice to File Missing Parts of Application which issued on June 5, 1998. The undersigned hereby Petitions the Commissioner under 37 CFR 47(a) to accept, and proceed with the examination of, the above referenced Application notwithstanding the unavailability or refusal of certain of the joint inventors to execute the Application. In support of the Petition, it is respectfully submitted that:

1. The above referenced utility application was filed under 37 CFR 1.53 on March 3, 1998 as acknowledged in the Filing Receipt and Notice to File Missing Parts of Application dated June 5, 1998.

2. As set forth in the Declaration and Power of Attorney filed herewith, the inventors on the above referenced application are William Kitchen, Ginger Moses, Ralph Au, Clarence Bringardner and Kenneth Bradley.

Serial No.: 07/607,324

3. The Declaration and Power of Attorney filed herewith has been executed by named inventors William Kitchen, Ginger Moses, and Ralph Au on a Declaration and Power of Attorney document also naming Clarence Bringardner and Kenneth Bradley as inventors. Accordingly, inventors William Kitchen, Ginger Moses, Ralph Au have signed the Application on their own behalf as well as on behalf of non-signing inventors Clarence Bringardner and Kenneth Bradley.

4. As evidenced by the Declaration of Sharon Hand submitted herewith, a copy of the Application, Declaration and Power of Attorney have been forwarded on June 23, 1998 via UPS and again on August 26, 1998 via the U.S. Postal Service (certified mail return receipt requested) to Clarence Bringardner at his last know address and to Kenneth Bradley at his last know address.

5. As also evidenced by the Declaration of Sharon Hand, the materials forwarded by UPS to Mr Bringardner have been returned as undeliverable by UPS. The materials forwarded by the U.S. Postal Service to Mr Bringardner have not been returned as undeliverable. However, the certification of delivery/non-delivery (i.e. Form 3811) has not been returned as yet by the U.S. Postal Service. Accordingly, a trace was placed on the certification of delivery/non-delivery on November 18, 1998. This Petition will be supplemented and a copy of the certification of delivery/non-delivery (if available) will be submitted after the U.S. Postal Service completes its trace of the certification. Mr. Bringardner has not contacted Ms. Hand in connection with this application. Further, the executed Declaration and Power-of-Attorney documents included as part of the materials forwarded by the U.S. Postal Service to Mr. Bringardner have not been returned to Ms. Hand.

6. As also evidenced by the Declaration of Sharon Hand, the materials forwarded by UPS and the U.S. Postal Service to Mr Bradley have been delivered. Mr. Bradley has not contacted Ms. Hand in connection with this application. Further, the executed Declaration and Power-of-Attorney documents included as part of the materials forwarded to Mr. Bradley have not been returned to Ms. Hand.

Serial No.: 07/607,324

7. As evidenced by the attached Declaration of Sheila Foxx, no Declaration and Power of Attorney executed by either Mr. Bradley or Mr. Bringardner in connection with the above referenced case has been received by the undersigned's firm either directly, indirectly through the undersigned's prior firm (Jenkins & Gilchrist), or otherwise.

8. It is respectfully submitted that (i) a diligent effort has been made to find and reach joint inventors Bradley and Bringardner and to obtain their respective signatures on the above referenced Application; (ii) inventor Bringardner either cannot be found or reached or, if the results of the trace currently being performed by the U.S. Postal Service indicate that inventor Bringardner did receive the Application, he has neither returned the executed Application nor indicated any intention to do so and in such case should be deemed to have refused to execute the Application; (iii) inventor Bradley has received the Application but has neither returned the executed Application nor indicated any intention to do so, therefore inventor Bradley should be deemed to have refused to execute the Application; (iv) all available joint inventors (i.e. William Kitchen, Ginger Moses, and Ralph Au) have executed the Application on their own behalf and on behalf of the non-signing inventors (i.e. Clarence Bringardner and Kenneth Bradley).

9. In view of the above, it is respectfully requested that the Commissioner find that inventor Bringardner is unavailable and/or has refused to execute the above referenced Application, that inventor Bradley is unavailable and/or has refused to execute the above referenced Application, and that the Application can be made in the name of the joint inventors who have executed the Application on their own behalf and on behalf of the non-signing inventors Bringardner and Bradley.


In summary, it is respectfully submitted that the mandates of 37 CFR 47(a) have been fulfilled and the above referenced application is acceptable notwithstanding non-execution by two of the five joint inventors. Accordingly it is respectfully requested that this Petition be GRANTED and prosecution of the Application be allowed to proceed.

Serial No.: 07/607,324

It is respectfully requested that the undersigned be contacted by telephone at the below listed local telephone number, in order to expedite resolution of any issues, or if any comments, questions, or suggestions arise in connection with herewith.

A check in the amount of \$130.00 to cover the Petition Fee under 37 CFR 1.17(h) is enclosed herewith. Please charge any shortage in fees due in connection with the filing of this paper to Deposit Account No. 12-0429, and please credit any excess fees to such deposit account.

Respectfully submitted,
LALOS & KEEGAN

By: 
Alfred A. Stadnicki
Registration No. 30,226

AAS/led
1146 Nineteenth Street, N.W.
Fifth Floor
Washington, D.C. 20006-3703
Telephone: (202) 887-5555
Facsimile: (202) 296-1682
November 25, 1998

File No: 20594

GALEINI

**In re Application of
William Kitchen et. al.**

Serial No. 09/034,561

Filed: March 3, 1998:

For: ELECTRONIC BILL PROCESSING

: Group Art Unit:2761

: Examiner: Unassigned

SUPPLEMENT TO PETITION UNDER 37 CFR 47 (a)

Honorable Assistant Commissioner
for Patents
Washington, DC 20231

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service as First Class Mail addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

on

Signature

Sir:

Further to the Petition under 37 CFR 47 (a) filed concurrently with the Response to the Notice to File Missing Parts of Application, on November 30, 1998, it is respectfully submitted that:

1. As set forth in paragraph 5 of the Petition, the certification of delivery/non-delivery (i.e. Form 3811) had not been returned by the U.S. Postal Service at the time of the filing of the Petition for the August 26, 1998 certified mailing to Mr. Clarence Bringardner at 2995 Dresden Street, Columbus, OH 43224. Accordingly, a trace had been placed on the certification of delivery/non-delivery by the U.S. Postal Service on November 18, 1998.
2. The U.S. Postal Service has now completed its trace, and as indicated on the attached copy of the Domestic Return Receipt (After Mailing) Form 3811-A and stamped by the U.S. Postal Service with an "INQUIRY" stamp dated December 8, 1998, the U.S. Postal Service has no record of delivery or return of the certified mailing. As advised by the postal service this means that the certified mailing was never delivered or picked up from the post office and it was then lost during the process of returning the mailed materials to the sender.
3. It is therefore respectfully submitted that after a diligent effort to find and reach joint inventor Bringardner to obtain his signature on the above-referenced application, inventor Bringardner cannot be found or reached.
4. In view of the Petition under 37 CFR 47 (a) filed November 30, 1998, and this Supplement to the Petition, it is respectfully requested that the Commissioner find that the inventor Bringardner is unavailable and that inventor Bradley is unavailable and/or has refused to execute the above-referenced application, and that the application can be made by the three inventors who have executed the application on their own behalf and on the behalf of the non-signing inventors Bringardner and Bradley.

Docket NO: ~~33500-00~~

File No: 20594

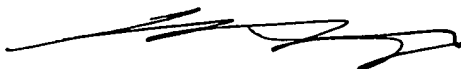
In summary, it is respectfully submitted that the mandates of 37 CFR 47 (a) have been fulfilled and the above-referenced application is acceptable notwithstanding non-execution by two of the five joint inventors. Accordingly, it is respectfully requested that this Petition be granted and prosecution of the application be allowed to proceed.

It is respectfully requested that the undersigned be contacted by telephone at the below listed local telephone number, in order to expedite resolution of any issues, or if any comments, questions or suggestions arise in connection herewith.

Please charge any shortage of fees in connection with the filing of this paper to deposit account number 12-0429, and please credit any excess fees to such deposit account.

Respectfully submitted,

LALOS & KEEGAN



Alfred A. Stadnicki
Registration No. 30,226

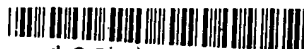
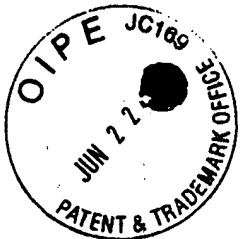
AAS/led

1146 Nineteenth Street, N.W.
Fifth Floor
Washington, D.C. 20036-3703
Telephone: (202) 887-5555
Facsimile: (202) 296-1682
Date: December 17, 1998

09/034561



03/03/98



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INITIALS _____

CONTENTS

Date received
(Incl. C. of M.)or
Date MailedDate received
(Incl. C. of M.)

Date Mailed

1. Application 17 papers.2. 1 tr Re: Fee, Dec 6-5-983. Extension of Time 11-30-984. Fee, Dec & Surcharge 11-30-985. Petition Rule (1.47) 11-30-986. IAS 4-20-997. Rej. (3 mths) 1-20-008. IDS 4-3-009. Amtd. 1 non-Response 4-3-0010. Str. Fee Due 4-12-0011. Str. Fee Due 9-15-0012. Change of Address 10-17-0013. Fee Paid 10-17-0014. Final Rejection (3 mos) 1/30/0115. Amtd. B (UE) 2-28-0116. Interview Summary 03-06-0117. Ex. Amtd C 3/12/0118. Power To Inspect 5/22/01

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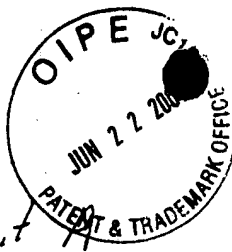


Exhibit A

June 23, 1998

Mr. Clarence M. Bringardner
2995 Dresden Street
Columbus, OH 43224

RE: U.S. Patent Applications

Dear Mr. Bringardner:

I have enclosed copies of papers containing the specification, claims, abstract, and drawings as filed for the following:

ELECTRONIC BILL PROCESSING

Attached to the papers are a Declaration and Power of Attorney and (2) Assignment documents to be executed by you as indicated. The Declarations and Power of Attorneys must be signed and dated in front of a Notary. Return the fully executed documents to Jenkins & Gilchrist no later than July 5, 1998. Please do not mail them to me.

Jenkins & Gilchrist
Attn: Alfred A. Stadnicki, Esq.
1919 Pennsylvania Avenue, NW
Suite 600
Washington, DC 20006-3404

Should your name or address be incorrect, please draw a line through the incorrect information and print the correct information above it.

Thank you,

Ravi Ganesan

Ravi Ganesan
Chief Technical Officer
Executive Vice President

Enclosures

UPS Store Location
4411 East Jones Bridge Rd
Norcross, GA 30092
Main Office Number 770 411 3387
Direct Number 770 681 1246
Facsimile 770 411 3149
Internet: www.ups.com

UPS Next Day Air[®] UPS Worldwide Express[®] Shipping Document

See instructions on back. Call 1-800-PICK-UPS (1-800-742-5877) for additional information.

TRACKING NUMBER **N210 8796 37 4**

SHIPMENT FROM
SHIPPER'S UPS ACCOUNT NO. **380873** FOR UPS USE
REFERENCE NUMBER

patent information
NAME **RAVI GANESAN** TELEPHONE **770-441-3387**
COMPANY
CHECKFREE CORP
STREET ADDRESS
4411 E JONE BRIDGE RD
CITY AND STATE
NORCROSS GA 30092

EXTREMELY URGENT DELIVERY TO
NAME **CLARENCE BRINGARDNER** TELEPHONE **614-299-5247**
COMPANY
STREET ADDRESS
2995 DRESDEN STREET DEPT. FLOOR
CITY AND STATE (INCLUDE COUNTRY IF INTERNATIONAL) **Columbus OH 43224** ZIP CODE

WEIGHT AND DIMS
WEIGHT ENTER LTR
DIMENSIONAL WEIGHT
ZONE

SHIPPER'S COPY

TYPE OF SERVICE
☒ NEXT DAY AIR
☐ WORLDWIDE EXPRESS INTERNATIONAL
FOR WORLDWIDE EXPRESS SHIPMENTS
SHIP BY AIR OR BY SEA TO A PORT OF CALL
OR BY AIR TO A PORT OF CALL AND BY SEA TO THE FINAL DESTINATION

OPTIONAL SERVICES
☐ SATURDAY PICKUP
☐ SATURDAY DELIVERY
☐ DECLARED VALUE
AMOUNT \$
☐ C.O.D.
AMOUNT \$
☐ An Additional Handling Charge applies to certain items. See instructions.

ADDITIONAL CHARGES
TOTAL CHARGES \$

METHOD OF PAYMENT
☒ Bill Me
☐ Bill Receiver
☐ Bill Third Party
☐ Cash
American Express
Money Order
Check
LIFE (EAT)

RECEIVERS: THIRD PARTY'S UPS ACCOUNT NO. OR SIGNATURE CARD NO. EXPIRATION DATE
THIRD PARTY'S COMPANY NAME
STREET ADDRESS
CITY AND STATE
ZIP CODE

SHIPPER'S SIGNATURE *[Signature]* DATE OF SHIPMENT **6/23/98**

010191120 397 M

US Postal Service
Receipt for Certified Mail
 No Insurance Coverage Provided.
 Do not use for International Mail (See Instructions)

PS Form 3800, April 1995

Sender's Name
CLARENCE BRINGARDNER

Street
2995 DRESDEN STREET

Post Office, State, & ZIP Code
Columbus, OH 43224

Postage
78

Certified Fee
8661 02 00V 1.35

Special Delivery Fee

Restricted Delivery Fee
1.10

Return Receipt Showing to Whom & Date Delivered

Return Receipt Showing to Whom, Date, & Addressee's Address

TOTAL Postage & Fees
\$ 3.23

Postmark or Date

Patent & Trademark Office
 JUN 22 2007
 OPI
 August 28, 1998
 Via Certified Mail
 #P 283 694 944

Exhibit B

Mr. Clarence M. Bringardner
 2995 Dresden Street
 Columbus, OH 43224

Dear Mr. Bringardner:

On June 23, 1998, Mr. Ravi Ganeean sent you patent documents that needed your signature. Our Patent Attorney has informed us he has not received your signed, notarized papers as yet. I have enclosed another Declaration and Power of Attorney and (2) Assignment documents for your signature. Please make sure they are notarized where necessary and return them to the following address by September 8, 1998:

Mr. Al Steadick
 LaLoe & Keegan
 1146 Nineteenth Street, N.W.
 Fifth Floor
 Washington, DC 20036-3703

Should your name or address be incorrect, please draw a line through the incorrect information and print the correct information above it.

Should you have any questions, please feel free to contact me at 770-734-3587. Thank you for your cooperation.

Regards,

Sharon Hand
 Sharon Hand
 Executive Assistant

Enclosures

4111 East Jones Bridge Road
 Norcross, Georgia 30092
 770-444-3388
 Internet: www.fortitree.com

3811-A PS FORM SENT
 PS Form 3800, April 1995 (Revised)

- Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services (See front).
1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (no extra charge).
 2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, detach, and retain the receipt, and mail the article.
 3. If you want a return receipt, write the certified mail number **8661 02 00V** and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, attach to back of article. Endorse front of article RETURN RECEIPT REQUESTED adjacent to the number.
 4. If you want delivery restricted to the addressee **8661 02 00V** and attach it to the address, endorse RESTRICTED DELIVERY on the front of the article.
 5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
 6. Save this receipt and present it if you make an inquiry.

POSTAGE & FEES PAID
 8661 02 00V

Exhibit C

June 23, 1998

Mr. Kenneth Bradley III
8202 Olde Richmond Lane
Westerville, OH 43081

RE: U.S. Patent Applications

Dear Mr. Bradley:

I have enclosed copies of papers containing the specification, claims, abstract, and drawings as filed for the following:

ELECTRONIC BILL PROCESSING

Attached to the papers are a Declaration and Power of Attorney and (2) Assignment documents to be executed by you as indicated. The Declarations and Power of Attorneys must be signed and dated in front of a Notary. Return the fully executed documents to Jenkins & Gilchrist no later than July 5, 1998. Please do not mail them to me.

Jenkins & Gilchrist
Attn: Alfred A. Stadnicki, Esq.
1919 Pennsylvania Avenue, NW
Suite 600
Washington, DC 20006-3404

Should your name or address be incorrect, please draw a line through the incorrect information and print the correct information above it.

Thank you,

Ravi Ganesan

Ravi Ganesan
Chief Technical Officer
Executive Vice President

Enclosures

Over/Free Corporation
4111 East Jones Bridge Rd.
Vancouver, WA 98662
Main Office: 770 441 3387
Direct: 770 840 1246
Fax: 770 412 1149
r.ganesan@overfree.com
www.overfree.com

UPS Next Day Air
UPS Worldwide Express
Shipping Document

See instructions on back. Call 1-800-PICK-UPS (800-742-5877) for additional information.

TRACKING NUMBER **N210 8794 58 3**

SHIPMENT FROM
SHIPPER'S UPS SHIPPER NO. / UPS BILLING NO. **380873**
REFERENCE NUMBER
PATENT INFORMATION
NAME **RAVI GANESAN** TELEPHONE **770-441-3387**
COMPANY
CHECKFREE CORP
STREET ADDRESS
4411 E JONES BRIDGE RD
CITY AND STATE **NORCROSS GA** ZIP CODE **30092**

EXTREMELY URGENT DELIVER TO
NAME **KENNETH BRADLEY** TELEPHONE
COMPANY
STREET ADDRESS **8202 OLDE RICHMOND LANE** DEPT./FLOOR
CITY AND STATE (INCLUDE COUNTRY IF INTERNATIONAL) **WESTERVILLE OH 43081**

SHIPPER'S COPY

WEIGHT AND DIMENSIONS
WEIGHT **LTR** DIMENSIONAL WEIGHT
ZONE

TYPE OF SERVICE
☒ NEXT DAY AIR ☐ WORLDWIDE EXPRESS (INTERNATIONAL)
FOR WORLDWIDE EXPRESS SHIPPERS: Mark an "X" in the box if forward any country's documents to the destination.

OPTIONAL SERVICES
☐ SATURDAY PICKUP ☐ SATURDAY DELIVERY
☐ DECLARED VALUE: Declare an additional amount up to \$5,000 per package. AMOUNT \$
☐ C.O.D. (C.O.D. items subject to the standard UPS delivery charges. UPS C.O.D. not in package.) AMOUNT \$
☐ An Additional Handling Charge applies for certain items. See instructions.

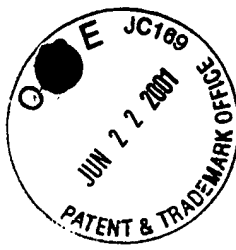
TOTAL CHARGES \$

METHOD OF PAYMENT
☒ Bill Shipper ☐ Bill Third Party ☐ Credit Card ☐ American Express ☐ Check

RECEIVERS / THIRD PARTIES UPS ACCT. NO. OR MAJOR CREDIT CARD NO. EXPIRATION DATE
THIRD PARTY'S COMPANY NAME
STREET ADDRESS
CITY AND STATE
ZIP CODE

SHIPPER'S SIGNATURE *R. Ganesan* DATE OF SIGNATURE **6/23/98**

Exhibit D



P 283 696 945

US Postal Service
Receipt for Certified Mail
No Insurance Coverage Provided.
Do not use for International Mail (See reverse)

Sender	
KENNETH BRADLEY	
Street & Number	
8202 OLDE RICHMOND LN	
Post Office, State, & ZIP Code	
WESTERVILLE OH 43081	
Postage	\$.78
Certified Fee	1.35
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.10
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 3.23
Postmark or Date	

PS Form 3800, April 1995

August 28, 1998

Via Certified Mail
#P 283 696 945

Mr. Kenneth Bradley, III
8202 Olde Richmond Lane
Westerville, OH 43081

Dear Mr. Bradley:

On June 23, 1998, Mr. Ravi Ganesan sent you patent documents that needed your signature. Our Patent Attorney has informed us he has not received your signed, notarized papers as yet. I have enclosed another Declaration and Power of Attorney and (2) Assignment documents for your signature. Please make sure they are notarized where necessary and return them to the following address by September 8, 1998:

Mr. AJ Stadnick
Lalos & Keegan
1146 Nineteenth Street, N.W.
Fifth Floor
Washington, DC 20036-3703

Should your name or address be incorrect, please draw a line through the incorrect information and print the correct information above it.

Should you have any questions, please feel free to contact me at 770-734-3587. Thank you for your cooperation.

Regards,

Sharon Hand
Sharon Hand
Executive Assistant

Enclosures

4111 East Jones Bridge Road
Norcross, Georgia 30092
770-441-3087
Internet: www.ferret.com
Daily Mailbox Service

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete Items 1 and/or 2 for additional services.
- Complete Items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

MR. KENNETH BRADLEY
8202 OLDE RICHMOND LANE
WESTERVILLE, OH 43081

4a. Article Number

P283 696 945

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

8-29-98

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X *[Signature]*

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.